

September 29, 2003

**NOTICE TO ALL CERTIFICATED PROVIDERS OF INTRASTATE
TELECOMMUNICATIONS SERVICES IN THE STATE OF HAWAII:
Implementation of the Federal Communications Commission's
*Triennial Review Order***

The Hawaii Public Utilities Commission ("Commission") has opened a docket under the enclosed Order No. 20471, filed on September 29, 2003, in Docket No. 03-0272, to implement the Federal Communications Commission's ("FCC") *Triennial Review Order*¹. The *TRO* becomes effective on October 2, 2003.

The FCC established new rules covering the obligations of incumbent local exchange carriers (ILECs) to make elements of their networks available to competitive local exchange carriers (CLECs) by issuing the *Triennial Review Order*. The FCC delegated to state commissions the task of determining the unbundling obligations of ILECs of certain network elements in specific geographic markets through "granular" proceedings.

First, the FCC gives state commissions ninety (90) days from the effective date of the *TRO* to rebut its national finding of no impairment for switching for large business customers served by high capacity loops, such as DS-1s ("90-day Review"). The Commission will address this matter in Part I of this proceeding. The Commission requires any CLEC desiring to rebut the FCC's national finding of no impairment for large business customers served by high capacity loops to file a motion to proceed with this part of the proceedings within twenty (20) days of the date of the issuance of

¹In *Re Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, and Deployment of Wireline Services Offering Advanced Telecommunications Capability*; CC Docket Nos. 01-338, 96-98, and 98-147; Report and Order and Order on Remand and Further Notice of Proposed Rulemaking; FCC No. 03-36; Adopted February 20, 2003; Released August 21, 2003 ("*Triennial Review Order*" or "*TRO*").

Order No. 20471. CLECs must present sufficient evidence to support their position. The Commission established additional requirements described in the enclosed order.

Second, the FCC gives state commissions nine (9) months from the effective date of the TRO to determine whether or not economic and operational impairment exists in particular geographic markets for mass-market customers for the network elements of local switching and high capacity loops and dedicated transport ("9-month Review"). The FCC requires state commissions to approve and implement a batch cut process to render the hot cut process more efficient and less costly or, in the alternative, issue detailed findings that support a conclusion that CLECs are not impaired by the hot cut process. The Commission will address the issues and concerns associated with its 9-month Review in Part II of this proceeding.

We invite any interested telecommunications carrier to file a motion to intervene or participate without intervention in accordance with the Commission's rules. Any interested party must file ~~a~~ a motion to intervene or participate without intervention not later than twenty (20) days after the issuance of Order No. 20471. The Commission's *Rules of Practice and Procedure Before the Public Utilities Commission*, Hawaii Administrative Rules Chapter 6-61 (see, www.state.hi.us/budget/adminrules/har6-61.htm) provides specific instructions and requirements on the matters described in Order No. 20471. The Commission will provide additional information on these matters on our website at www.state.hi.us/budget/puc/puc.htm.

If you have any questions regarding this matter, please contact Lisa Kikuta at (808) 586-2020. You can also reach Ms. Kikuta by e-mail at Hawaii.PUC@hawaii.gov.

Sincerely,

Carlito P. Caliboso
Chairman

CPC:eh